

M I N U T E S
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

February 8, 2005

Meeting was commenced at 7:00 p.m.

PRESENT:

Council Members: Chairman Scott Cowdell, Vice Chairman John Winder, Bryant Anderson, Steve Fairbanks, Don Pott, Linda Martinez-Saville, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Police Chief Stephen Chapman; Administrative Services Director Art Hunter; Controller Finance Glade Jardine; Assistant CAO Jamie Davidson; Director of Communications Ryan Mecham; Attorney Pat Casaday; Council Office Director Phil Glenn; Council Office Executive Secretary Pam Lehman

ABSENT/EXCUSED:

Councilman Don Pott - Business

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by Boy Scout Gage Lint of Troop #228, and the Pledge was led by Kameron Kilgourn, also of Troop #228.

2. CITIZEN(S) COMMENTS:

a. There were no comments.

PUBLIC HEARING(S):

3. Code Amendment: Burial of Overhead Power Lines

Public Hearing to consider a Code Amendment to Section 15-06-02(K), Burial of Overhead Power Lines, Title 15, Land Development Code, Revised Ordinance of Sandy City. The proposed amendment requires City review of each new development to determine requirements for burying power lines that more accurately reflect the impacts created by a development.

DISCUSSION: Chairman Cowdell asked Attorney Pat Casaday to explain the code amendment to the individuals in the audience.

Mr. Casaday reported that the Public Utilities Department is requesting to modify Section 15-06-02 (K) of the Sandy City Development Code in regard to power line burial requirements and how power lines are addressed during the development review process. The requested change would require the City to review each new development to determine requirements for burying power lines that more accurately reflect the impacts created by a development.

In reviewing certain Utah Supreme Court cases, it was determined that the City normally, can only require that a developer relocate utility poles and bury power lines as part of a road widening project.

The new text would be more sensitive to, and appropriate for, smaller developments (small subdivisions, in fill projects, TND, etc.) which do not create the need for road widening or burying power lines. However, the burying of power lines would still be required in those instances where such a need is created by the development.

Staff and the Planning Commission forwarded a positive recommendation to the City Council to approve the proposed code amendment as shown in **Exhibit "A"** based upon the following findings:

1. The proposed code amendment is consistent with the Goals and Policies of the Sandy City General Plan with respect to the handling of public utilities.
2. The proposed code amendment provides for greater flexibility during the development review process in dealing with existing power lines.
3. The proposed code amendment reenforces the City's intent and policy with respect to existing power lines and clarifies seemingly contradictory language in the code.

Chairman Cowdell opened the public hearing. Since there were no comments, the hearing was closed.

MOTION: **Dennis Tenney** made the motion to have documents brought back next week to adopt the Code Amendment to Section 15-06-02(K), Burial of Overhead Power Lines, Title 15, Land Development Code, Revised Ordinance of Sandy City. The proposed amendment requires City review of each new development to determine requirements for burying power lines that more accurately reflect the impacts created by a development.

SECOND: **Steve Fairbanks**

VOTE: **Tenney- Yes, Fairbanks-Yes, Pott- Absent, Winder- Yes, Saville- Yes, Anderson-Yes, Cowdell- Yes.**

MOTION PASSED: 6 in favor, 1 absent

4. **Lease of Sandy City Property to the Sandy Boys & Girls Club**
Invitation seeking public comment of a proposed lease of City property, located on the northwest corner of 280 East 8800 South [site of the former Senior Citizens Center] Sandy, Utah, to the Boys & Girls Club of Sandy and of South Valley. The purpose of the proposed lease is to allow construction of a building to house the Boys & Girls Club currently located at 440 East 8680 South and for other related purposes. The public is invited to comment on the proposed lease in writing, or orally, prior to or at the City Council meeting. Comments before the meeting should be directed to Scott Earl, Recreation Department; phone: 568-2910, or mail: 440 East 8680 South, Sandy, Utah 84070.

DISCUSSION: **City Attorney Wally Miller** explained that the purpose of the proposed lease is to allow construction of a building to house the Boys and Girls Club currently located at 440 East 8680 South [Parks & Recreation Building]. A discussion was held several years ago with the Council and Administration to consider leasing the property at 280 East 8800 South to the Sandy Club for Boys and Girls, however, further efforts were curtailed due to an organizational transition with the South Valley Boys and Girls Clubs. Chairman Cowdell has since requested that this item be brought back for further consideration.

Mr. Miller reviewed the proposed lease agreement with the Boys and Girls Club to make certain the Council was in agreement with the terms. He indicated that the name of the club was changed from the Sandy Club for Boys and Girls to the Boys and Girls Club of South Valley. The terms of the lease would remain the same offering a 30-year lease of the property with an option to renew for two ten-year terms. An appraisal of the property was provided by Economic Development Director Randy Sant.

Chairman Cowdell opened the Public Hearing. Since there were no comments, the hearing was closed.

John Winder asked if the Club would be exempt from taxes since they are a nonprofit organization.

Wally Miller indicated that this issue would need to be reviewed further to determine if the club is exempt from paying property taxes once they become independent from the City.

John Winder asked what would happen to the ground if the Boys and Girls Club abandon the new building.

Wally Miller noted that if there is a disruption with the lease, the building would become property of the City.

Bryant Anderson complemented Linda Saville on the "nice job" she has done as the Director of the Sandy Club. He asked who would own the building in 20 years in the event the Club goes out of business.

Wally Miller noted that the Administration and Council agreed that leasing the property would provide the needed controls on what is located on the property. In the event the Boys and Girls Club terminates their use with the City, the property would be subject to adequate controls preventing inappropriate uses on the site.

Linda Saville noted that she has been the Director of the Sandy Club for the past 13 years, and would be abstaining from the discussion and vote.

Wally Miller reported that Mrs. Saville has filled a legal disclosure declaring her relationship with the City and the Boys and Girls Club. This disclosure is on file in the Attorney's Office.

Steve Fairbanks asked if the South Valley Boys and Girls Club had reviewed the lease.

Linda Saville noted that the Executive Director of the South Valley Boys and Girls Club had reviewed the lease agreement.

Dennis Tenney also commented on the "wonderful service" that is provided to the community by the Boys and Girls Club. Mr. Tenney asked Mr. Miller if he felt comfortable with the terms of the lease agreement and if those terms provided enough control for the City. Mr. Tenney asked how soon construction would begin on the new building.

Wally Miller noted that the lease agreement would provide the needed controls for the City. Once the lease agreement has been implemented, the Boys and Girls Club can begin seeking donations for the construction of the building.

Scott Cowdell requested that the value of services provided to the City by the Boys and Girls Club be considered in determining the City's compensation for on-going operations and future water and ground maintenance.

Wally Miller clarified that the Boys and Girls Club is performing considerable services to the City. Mr. Miller indicated that the Administration would conduct a cost value analysis to determine appropriate city contributions.

MOTION: **Steve Fairbanks** made the motion directing the Administration to conduct a cost and needs analysis on the services provided to the City by the Boys and Girls Club of South Valley in valuing city contributions to the Club.

SECOND: **Dennis Tenney**

VOTE: **Fairbanks- Yes, Tenney- Yes, Pott-Absent, Winder- Yes, Saville- Abstain, Anderson-Yes, Cowdell-Yes.**

MOTION PASSED: 5 in favor, 1 abstains, 1 absent

COUNCIL ITEMS:

5. Appointment: City Treasurer

Resolution #05-1 M - consenting to the Mayoral appointment of a City Treasurer.

DISCUSSION: **Administrative Services Director Art Hunter** reported that several reassignments of duties have been made in the Finance Department necessitating a change in the office of City Treasurer. Mr. Hunter noted that Glade Jardine, who is a certified CPA, and an employee of the City for over 12 years, is very capable and qualified to fill this position. Mr. Hunter stated that they are recommending Mr. Jardine's appointment as the City Treasurer. This is a Mayoral appointment which requires the consent of the Council.

MOTION: **Bryant Anderson** made the motion to adopt Resolution #05-1 M, consenting to the Mayoral appointment of Glade Jardine as the City Treasure.

SECOND: **Dennis Tenney**

VOTE: **Anderson- Yes, Tenney- Yes, Pott- Absent, Winder- Yes, Fairbanks- Yes, Saville- Yes, Cowdell - Yes.**

MOTION PASSED: 6 in favor - 1 absent

5. Legislative Update

DISCUSSION: **Ryan Mecham , Director of Communications**, provided an update concerning 2005 Legislative issues under consideration by the Utah State Legislature. [Ref: **Exhibit "B"**]

John Winder asked Chief Chapman for his opinion on Senate Bill 175- which would allow loaded fire arms in vehicles.

Chief Chapman stated that he was "definitely" opposed to this bill due to potential dangers for law enforcement officers.

John Winder asked if there was a chance this bill would pass.

Ryan Mecham indicated that it was highly unlikely this bill would pass.

Dennis Tenney asked if the new proposed RDA Legislation would affect the proposed RDA area for the gravel pit and Sandy Mall area if approved. He questioned whether this RDA District would be grand fathered in since the City has already begun the process.

Ryan Mecham stated that it would require that the RDA District be put in place before the effective date of this legislation; that would be virtually impossible.

7. Administrative Code Amendment - Organizational Responsibilities

Ordinance #05-08 - amending the revised ordinances of Sandy City by amending Title 6, "Administrative Code, Section 6-4-5, "Organizational Responsibility"; also providing a

saving clause for the ordinance and an effective date.

DISCUSSION: Assistant CAO Jamie Davidson explained that the Administration is in the process of updating the Administrative Code, and with the Council's approval, the new organizational chart will be added to the code.

MOTION: John Winder made the motion to adopt Ordinance #05- eight, amending the revised ordinances of Sandy City by amending Title 6, "Administrative Code, Section 6-4-5, "Organizational Responsibility."

SECOND: Linda Saville

VOTE: Winder-Yes, Saville-Yes, Anderson-Yes, Tenney- Yes, Pott- Absent,
Fairbanks- Yes, Cowdell-Yes.

MOTION PASSED: 6 in-favor, 1 absent

8. ADA Act - Transition Plan for Curb Ramps
Resolution #05-18 C - adopting the Sandy City Americans with Disabilities Act Transition Plan for Curb Ramps.

DISCUSSION: Public Works Director Rick Smith reported that the Transition Plan for Curb Ramps was developed to support the City's effort to comply with the Americans with Disabilities Act (ADA) regarding curb ramps in public rights-of-ways. The Federal Highway Administration established a policy that if more than normal maintenance takes place on roadways, ADA ramps should be installed. The goal of the plan is to establish priorities, set a time line, ensure that standards are met, and assign responsibility of implementation. In coordination with the Sandy City Public Works' annual road maintenance plan, when road overlay alterations are made, ADA curb ramps will be constructed and/or reconstructed to meet current standards.

MOTION: Steve Fairbanks made the motion to adopt Resolution #05-18 C, adopting the Sandy City Americans with Disabilities Act Transition Plan for Curb Ramps.

SECOND: Bryant Anderson

VOTE: Fairbanks- Yes, Anderson-Yes, Saville-Yes, Tenney- Yes, Pott- Absent,
Winder- Yes, Cowdell-Yes.

MOTION PASSED: 6 in favor - 1 absent

MINUTES:

9. Approving the February 1, 2005 City Council Meeting Minutes.

MOTION: Dennis Tenney made the motion to approve the February 1, 2005 City Council Meeting Minutes as written.

SECOND: Linda Saville

VOTE: The Council responded verbally in the affirmative to the motion.

ALL IN FAVOR

10. MAYOR'S REPORT:

a. No report was given

CAO'S REPORT:

a. CAO Byron Jorgenson noted that Mayor Dolan was out of town.

b. Mr. Jorgenson reported on the successful Grand Opening of the Tai Pan Store held on

Thursday, February 3rd. He encouraged the Council to visit and see for themselves the many beautiful items in the store. The stores proprietors reported that business during the grand opening has far exceeded the past holiday season.

- c. **Mr. Jorgenson** reported that Mayor Dolan, Chief Chase, and John Hiskey have been negotiating with various cities regarding the Metropolitan Fire Protection Agency. The Administration will keep the Council advised on the outcome of the negotiations.

COUNCIL OFFICE DIRECTOR'S REPORT:

- a. **Mr. Glenn** presented a copy of the monthly calendar to the Council, reminding them of the Transportation Growth Planning Meeting, sponsored by the Wasatch Regional Council, this Thursday at 6:00 p.m, in the Multi- Purpose Room.
- b. **Mr. Glenn** reminded Chairman Cowdell to speak with the Council regarding the cancellation of the March 15th, 2005 City Council Meeting. He noted that Mr. Anderson and Mr. Winder would be attending the Washington, D.C. National League Conference.

Chairman Cowdell felt that the meeting should be canceled since this date was kept open for the Conference, and no items were scheduled. Chairman Cowdell asked the Council if they would be in favor of canceling the meeting. **All of the Council members nodded in favor of canceling the meeting.**

- c. **Mr. Glenn** noted that the Sandy Chamber had contacted him asking that the March 1st date for the dinner hosted by the Sandy Chamber be changed to Tuesday, March 8th. The President of the Chamber is unable to attend on March 1st.

- d. **OTHER COUNCIL BUSINESS:**

- a. **Dennis Tenney** asked Chief Chapman for an update regarding an e-mail he received from a concerned constituent regarding Bikini Cuts.

Chief Chapman reported that officers conducted a short surveillance on Bikini Cuts after school let out. He presented a brief time line of individuals who entered the business. They witnessed some juveniles peering into the windows of the establishment, but the owners came and told them to leave. During all the surveys, they have seen few juveniles on the premise, and if they do, they have been accompanied by an adult. The officers did not see anything that constituted illegal behavior, but would continue to monitor the situation.

Dennis Tenney asked Chief Chapman if he would forward this information through an e-mail to his constituent.

Steve Fairbanks asked what could be done if an officer observed a juvenile getting a haircut.

Chief Chapman noted that an officer can only act if touching occurs. Undercover agents, on numerous occasions, have had their hair cut and nothing out of the ordinary has taken place.

- b. **John Winder** recommended that the Council send letters to their Legislators expressing their concerns on the bills that are of particular concern to the City. The Utah League has encouraged local officials to voice their opinions to the Legislators, and Mr. Winder felt letters from the Council would be a good way to communicate their thoughts to them.

Phil Glen noted that he would coordinate with Mayor Dolan, John Hiskey, and Ryan Mecham to generate letters as appropriate.

- c. **Linda Saville** informed the Council of the "Relay for Life," sponsored by the American Cancer Society, August 12th -13th. She invited the Council to participate in this worthwhile cause.
- d. **Scott Cowdell** expressed concern over recent newspaper articles that have portrayed the City and Council in a negative fashion. He felt that the public's perception of the Council was being jeopardized. Mr. Cowdell referenced a recent article written by a reporter regarding the salaries of Sandy Police and Firemen. He noted that employee compensation has always been at the top of the Council's priorities. He felt that these types of issues should be addressed with the Council and not through a newspaper article.

Phil Glenn suggested that the City newsletter would be an ideal avenue for the Council to communicate the truth to their constituents regarding these articles.

At approximately 7:55 p.m., **Dennis Tenney** made a motion to **adjourn** Council Meeting, motion seconded by **John Winder**.

The content of the minutes is not intended, nor are they submitted, as a **verbatim transcription** of the meeting. These minutes are a **brief overview** of what occurred at the meeting.

Scott L. Cowdell
Council Chairman

Pam Lehman
Council Office Executive Secretary

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